

Dole Ocean Cargo Express/King Ocean
Services Limited Space Charter
Agreement
FMC Agreement No. 011790-003
(2nd Edition)
First Revised Page No. 1

ARTICLE 1: NAME OF AGREEMENT

The name of this agreement is the Dole Ocean Cargo Express/King Ocean
Services Limited Space Charter Agreement (the "Agreement").

ARTICLE 2: PURPOSE OF AGREEMENT

The purpose of the Agreement is to enable the parties to better meet the needs
of their customers and to deal with operational contingencies by authorizing them to
charter space to/from one another.

ARTICLE 3: PARTIES TO THE AGREEMENT

The parties to the Agreement are:

DOLE OCEAN CARGO EXPRESS, INC./LLC whose office is at 9485 Regency
Square Boulevard, Suite 425, Jacksonville, Florida 32225 ("Dole Express") and

KING OCEAN SERVICES LIMITED, INC., whose registered office is at 11000
N.W. 29th Street, Suite 201, Miami, Florida 33172 ("KOLTD")

Dole Express and KOLTD are sometimes hereinafter referred to individually as a
"Party" and jointly as the "Parties."

 

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If to Dole Express: Mr. John Trummel
DOLE OCEAN CARGO EXPRESS, INC., LLC
9485 Regency Sq. Blvd., Suite 425
Jacksonville, Florida 32225

If to KOLTD: Ms. Christy Garcia-Ugalde
KING OCEAN SERVICES LIMITED, INC.
11000 N.W. 29th Street
Suite 201
Miami, Florida 33172

ARTICLE 11: ASSIGNMENT

Neither Party may assign its rights or delegate its obligations under this Agreement to any person, firm or corporation without the prior written consent of the other Party. The consent of either Party will not unreasonably be withheld. Nothing contained herein shall be construed as creating any rights in favor of any third parties, including but not limited to any party which may assert that it is a third party beneficiary hereof.

ARTICLE 12: GOVERNING LAW; TIME AND PLACE FOR SUIT

12.1 This Agreement shall be construed in accordance with and governed by the general maritime law of the United States of America. Notwithstanding anything contained herein to the contrary, both parties reserve all rights, defenses and limitations to which it is entitled under COGSA and both Dole Express' and KOLTD's standard bill of lading form just as though each such right, defense and limitation were set out here in their entirety.

 